

Amendment No.

CHAMBER ACTION

Senate

House

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1 The Conference Committee on HB 5011 offered the following:

2
3 **Conference Committee Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. All of the records and property; funds, trust
6 funds, and unexpended balances of appropriations, allocations,
7 and other funds; administrative authority; the administrative
8 rules in effect as of November 15, 2010, comprised only of
9 Chapters 71-1, 71A-1, and 71A-2, Florida Administrative Code;
10 pending issues; and existing contracts of the Agency for
11 Enterprise Information Technology are transferred by a type two
12 transfer, pursuant to s. 20.06(2), Florida Statutes, to the
13 Agency for State Technology.

14 Section 2. (1) All notices published after November 15,
15 2010, by the Agency for Enterprise Information Technology

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16 pursuant to s. 120.54, Florida Statutes, are nullified and of no
17 further force or effect.

18 (2) All proceedings pursuant to s. 120.54, Florida
19 Statutes, of the Agency for Enterprise Information Technology
20 that are pending on the effective date of this act or were
21 initiated after November 15, 2010, are nullified and of no
22 further force or effect.

23 Section 3. Section 14.204, Florida Statutes, is repealed.

24 Section 4. Section 14.206, Florida Statutes, is created to
25 read:

26 14.206 Agency for State Technology.—The Agency for State
27 Technology is created within the Executive Office of the
28 Governor.

29 (1) The head of the agency shall be the Governor and
30 Cabinet.

31 (2) The agency is a separate budget entity and is not
32 subject to control, supervision, or direction by the Executive
33 Office of the Governor, including, but not limited to,
34 purchasing, transactions involving real or personal property,
35 personnel, or budgetary matters.

36 (3) The agency shall have an executive director who is the
37 state's Chief Information Officer and who must:

38 (a) Have a degree in computer science or information
39 technology, or a related field, from an accredited postsecondary
40 institution.

41 (b) Have at least 10 years of executive-level experience
42 in strategic information technology planning and project
43 management in both the public and private sectors.

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44 (c) Be appointed by the Governor, subject to confirmation
45 by the Cabinet and the Senate, and serve at the pleasure of the
46 Governor and Cabinet.

47 (d) Designate a state Chief Information Security Officer
48 who shall report directly to the executive director.

49 (4) The Agency for State Technology shall have the
50 following duties and responsibilities:

51 (a) Provide project management oversight of the agency
52 data center consolidations authorized pursuant to s. 282.201.
53 Such project management oversight shall include, but is not
54 limited to:

55 1. Monitoring the activities of an agency in meeting the
56 timetable and milestones included in the agency's consolidation
57 transition plan required pursuant to s. 282.201(4).

58 2. Monitoring the activities of a primary data center in
59 implementing the staffing plan and resolving any issues included
60 in the primary data center's consolidation transition plan
61 required pursuant to s. 282.201(4).

62 3. Reporting to the Governor and Cabinet, the President of
63 the Senate, and the Speaker of the House of Representatives any
64 recommended corrective actions necessary to resolve policy or
65 fiscal issues identified as a result of the agency's project
66 monitoring.

67 (b) Beginning October 1, 2013, and biennially thereafter,
68 develop and submit to the President of the Senate and the
69 Speaker of the House of Representatives an Information
70 Technology Strategic Plan that establishes a statewide mission,
71 goals, and objectives for the use of information technology in

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72 the provision of state government information and services. The
73 plan shall include, but is not limited to:

74 1. An inventory of the information technology systems that
75 are operated and maintained by executive branch agencies. At a
76 minimum the inventory must include:

77 a. The name of each system, the number of users who must
78 use the system to perform their job functions, the associated
79 business processes, and a description of the system
80 functionality that supports the system.

81 b. The total cost of operating and maintaining each system
82 on a fiscal-year basis. The total cost must include staffing,
83 hardware, software, contracted services, and external service
84 provider costs.

85 2. Identification of strategies and opportunities to
86 improve the delivery of each system identified in the inventory
87 that would result in cost efficiencies or service level
88 improvements.

89 3. An inventory of major information technology projects
90 currently in progress within the executive branch agencies. For
91 purposes of this inventory, "major information technology
92 project" means a project that exceeds \$1 million in total costs
93 but the term does not include projects that involve renewing
94 existing software licensing agreements or replacing desktop
95 units with technology that is similar to the technology
96 currently in use. For each project the inventory must include,
97 but is not limited to:

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98 a. The total projected costs versus actual costs to-date
99 reported by the following cost categories: hardware, software,
100 staffing, and contracted services.

101 b. The original project schedule and any changes made to
102 the schedule including the reasons cited for each change.

103 c. The original scope of the project, any changes made to
104 the original scope, and any fiscal impact resulting from such
105 changes.

106 4. Identification of strategies and techniques for
107 consolidating the purchase of information technology commodities
108 and contractual services which result in cost savings for the
109 state.

110 5. Recommendations of other information technology
111 services that should be designed, delivered, and managed as
112 enterprise information technology services as defined in s.
113 282.0041. For each information technology service recommended,
114 the plan must include the specific business and functional
115 requirements of the service, the projected costs and cost
116 savings, and a proposed schedule for statewide implementation.

117 6. Recommendations for reducing energy consumption and
118 improving the energy efficiency of the primary data centers.

119 (c) Assist the Division of Purchasing in the Department of
120 Management Services in establishing best practices for the
121 procurement of information technology products that include the
122 use of aggregate buying methodologies whenever possible, and
123 negotiating the procurement of information technology products
124 in order to achieve cost reductions.

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125 (d) Develop information technology standards for the
126 efficient design, planning, acquisition, implementation, and
127 delivery of information technology services and conduct periodic
128 assessments of agencies for compliance with such standards.

129 (e) Perform duties related to enterprise information
130 technology services as required pursuant to part I of chapter
131 282.

132 (f) Provide management oversight of the Northwood Shared
133 Resource Center and the Southwood Shared Resource Center which
134 shall include:

135 1. Establishing appropriate operating policies necessary
136 for the centers to perform their duties pursuant to s. 282.203.
137 Such policies shall include a process for creating workgroups
138 within the centers for the purpose of reviewing and analyzing
139 specific issues or activities and providing recommendations for
140 addressing the issue or activity.

141 2. Monitoring the operation of the centers to ensure
142 compliance by the director of each center with the laws and
143 rules governing the centers and ensure that staff members are
144 accountable for the performance of the centers.

145 (5) The agency shall operate in a manner that ensures the
146 participation and representation of state agencies.

147 (6) The agency may adopt rules necessary to implement
148 provisions of law conferring duties upon it.

149 Section 5. Section 282.0041, Florida Statutes, is amended
150 to read:

151 282.0041 Definitions.—As used in this chapter, the term:

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152 (1) "Agency" has the same meaning as in s. 216.011(1)(qq),
153 except that for purposes of this chapter, "agency" does not
154 include university boards of trustees or state universities and,
155 for purposes of part I, the term "agency" does not include state
156 attorneys, public defenders, criminal conflict and civil
157 regional counsel, capital collateral regional counsel, the
158 Florida Clerks of Court Operations Corporation, or the Florida
159 Housing Finance Corporation.

160 ~~(2) "Agency for Enterprise Information Technology" means~~
161 ~~the agency created in s. 14.204.~~

162 ~~(3) "Agency information technology service" means a~~
163 ~~service that directly helps an agency fulfill its statutory or~~
164 ~~constitutional responsibilities and policy objectives and is~~
165 ~~usually associated with the agency's primary or core business~~
166 ~~functions.~~

167 ~~(4) "Annual budget meeting" means a meeting of the board~~
168 ~~of trustees of a primary data center to review data center usage~~
169 ~~to determine the apportionment of board members for the~~
170 ~~following fiscal year, review rates for each service provided,~~
171 ~~and determine any other required changes.~~

172 (2)~~(5)~~ "Breach" has the same meaning as in s. 817.5681(4).

173 (3)~~(6)~~ "Business continuity plan" means a plan for
174 disaster recovery which provides for the continued functioning
175 of a primary data center during and after a disaster.

176 (4)~~(7)~~ "Computing facility" means agency space containing
177 fewer than a total of 10 physical or logical servers, any of
178 which supports a strategic or nonstrategic information
179 technology service, as described in budget instructions

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180 developed pursuant to s. 216.023, but excluding single, logical-
181 server installations that exclusively perform a utility function
182 such as file and print servers.

183 ~~(5)-(8)~~ "Customer entity" means an entity that obtains
184 services from a primary data center.

185 ~~(6)-(9)~~ "Data center" means agency space containing 10 or
186 more physical or logical servers any of which supports a
187 strategic or nonstrategic information technology service, as
188 described in budget instructions developed pursuant to s.
189 216.023.

190 ~~(7)-(10)~~ "Department" means the Department of Management
191 Services.

192 ~~(8)-(11)~~ "Enterprise information technology service" means
193 an information technology service that is used in all agencies
194 or a subset of agencies and is established in law to be
195 designed, delivered, and managed at the enterprise level.

196 ~~(12)~~ ~~"E-mail, messaging, and calendaring service" means~~
197 ~~the enterprise information technology service that enables users~~
198 ~~to send, receive, file, store, manage, and retrieve electronic~~
199 ~~messages, attachments, appointments, and addresses. The e-mail,~~
200 ~~messaging, and calendaring service must include e-mail account~~
201 ~~management; help desk; technical support and user provisioning~~
202 ~~services; disaster recovery and backup and restore capabilities;~~
203 ~~antispam and antivirus capabilities; archiving and e-discovery;~~
204 ~~and remote access and mobile messaging capabilities.~~

205 ~~(9)-(13)~~ "Information-system utility" means a full-service
206 information-processing facility offering hardware, software,
207 operations, integration, networking, and consulting services.

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208 ~~(10)-(14)~~ "Information technology" means equipment,
209 hardware, software, firmware, programs, systems, networks,
210 infrastructure, media, and related material used to
211 automatically, electronically, and wirelessly collect, receive,
212 access, transmit, display, store, record, retrieve, analyze,
213 evaluate, process, classify, manipulate, manage, assimilate,
214 control, communicate, exchange, convert, converge, interface,
215 switch, or disseminate information of any kind or form.

216 ~~(15)~~ ~~"Information technology policy" means statements that~~
217 ~~describe clear choices for how information technology will~~
218 ~~deliver effective and efficient government services to residents~~
219 ~~and improve state agency operations. A policy may relate to~~
220 ~~investments, business applications, architecture, or~~
221 ~~infrastructure. A policy describes its rationale, implications~~
222 ~~of compliance or noncompliance, the timeline for implementation,~~
223 ~~metrics for determining compliance, and the accountable~~
224 ~~structure responsible for its implementation.~~

225 ~~(11)-(16)~~ "Performance metrics" means the measures of an
226 organization's activities and performance.

227 ~~(12)-(17)~~ "Primary data center" means a data center that is
228 a recipient entity for consolidation of agency ~~nonprimary~~ data
229 centers and computing facilities and that is established by law.

230 ~~(13)-(18)~~ "Project" means an endeavor that has a defined
231 start and end point; is undertaken to create or modify a unique
232 product, service, or result; and has specific objectives that,
233 when attained, signify completion.

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234 ~~(14)-(19)~~ "Risk analysis" means the process of identifying
235 security risks, determining their magnitude, and identifying
236 areas needing safeguards.

237 ~~(15)-(20)~~ "Service level" means the key performance
238 indicators (KPI) of an organization or service which must be
239 regularly performed, monitored, and achieved.

240 ~~(16)-(21)~~ "Service-level agreement" means a written
241 contract between a data center and a customer entity which
242 specifies the scope of services provided, service level, the
243 duration of the agreement, the responsible parties, and service
244 costs. A service-level agreement is not a rule pursuant to
245 chapter 120.

246 ~~(17)-(22)~~ "Standards" means required practices, controls,
247 components, or configurations established by an authority.

248 ~~(18)-(23)~~ "SUNCOM Network" means the state enterprise
249 telecommunications system that provides all methods of
250 electronic or optical telecommunications beyond a single
251 building or contiguous building complex and used by entities
252 authorized as network users under this part.

253 ~~(19)-(24)~~ "Telecommunications" means the science and
254 technology of communication at a distance, including electronic
255 systems used in the transmission or reception of information.

256 ~~(25)~~ ~~"Threat" means any circumstance or event that may~~
257 ~~cause harm to the integrity, availability, or confidentiality of~~
258 ~~information technology resources.~~

259 ~~(20)-(26)~~ "Total cost" means all costs associated with
260 information technology projects or initiatives, including, but
261 not limited to, value of hardware, software, service,

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262 maintenance, incremental personnel, and facilities. Total cost
263 of a loan or gift of information technology resources to an
264 agency includes the fair market value of the resources.

265 ~~(21)-(27)~~ "Usage" means the billing amount charged by the
266 primary data center, less any pass-through charges, to the
267 customer entity.

268 ~~(22)-(28)~~ "Usage rate" means a customer entity's usage or
269 billing amount as a percentage of total usage.

270 Section 6. Section 282.0055, Florida Statutes, is
271 repealed.

272 Section 7. Section 282.0056, Florida Statutes, is
273 repealed.

274 Section 8. Subsections (2) and (3), paragraphs (f) through
275 (o) of subsection (4), and subsections (5) and (6) of section
276 282.201, Florida Statutes, are amended to read:

277 282.201 State data center system; agency duties and
278 limitations.—A state data center system that includes all
279 primary data centers, ~~other nonprimary data centers, and~~
280 ~~computing facilities,~~ and that provides an enterprise
281 information technology service as defined in s. 282.0041, is
282 established.

283 (2) AGENCY FOR STATE ~~ENTERPRISE INFORMATION~~ TECHNOLOGY
284 DUTIES.— The Agency for State ~~Enterprise Information~~ Technology
285 shall:

286 ~~(a) Collect and maintain information necessary for~~
287 ~~developing policies relating to the data center system,~~
288 ~~including, but not limited to, an inventory of facilities.~~

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289 (a)~~(b)~~ Annually approve the cost-recovery methodologies
290 ~~mechanisms~~ and rate structures for the primary data centers
291 ~~which recover costs through charges to customer entities.~~

292 (b)~~(e)~~ By September 30, 2012, and ~~of~~ each year thereafter,
293 submit to the Legislature, the Executive Office of the Governor,
294 and the primary data centers recommendations to improve the
295 efficiency and cost-effectiveness of computing services provided
296 by the primary data centers ~~state data center system facilities.~~
297 Such recommendations must include, but are ~~need not be~~ limited
298 to:

299 1. A plan, to include projected cost savings, for reducing
300 the number of discrete servers, storage systems, network
301 devices, and other data center components within each primary
302 data center while maintaining or reducing the workload performed
303 by the primary data center ~~Policies for improving the cost-~~
304 ~~effectiveness and efficiency of the state data center system,~~
305 ~~which includes the primary data centers being transferred to a~~
306 ~~shared, virtualized server environment, and the associated cost~~
307 ~~savings resulting from the implementation of such policies.~~

308 ~~2. Infrastructure improvements supporting the~~
309 ~~consolidation of facilities or preempting the need to create~~
310 ~~additional data centers or computing facilities.~~

311 ~~2.3.~~ Uniform disaster recovery standards.

312 ~~3.4.~~ Standards for primary data centers which provide
313 cost-effective services and transparent financial data to user
314 agencies.

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315 ~~4.5.~~ Consolidation of contract practices or coordination
316 of software, hardware, or other technology-related procurements
317 and the associated cost savings.

318 ~~5.6.~~ Changes to the Improvements to data center governance
319 structure of the primary data centers structures.

320 ~~(d) By October 1 of each year beginning in 2011, provide~~
321 ~~recommendations to the Governor and Legislature relating to~~
322 ~~changes to the schedule for the consolidations of state agency~~
323 ~~data centers as provided in subsection (4).~~

324 ~~1. The recommendations must be based on the goal of~~
325 ~~maximizing current and future cost savings by:~~

326 ~~a. Consolidating purchase decisions;~~

327 ~~b. Leveraging expertise and other resources to gain~~
328 ~~economies of scale;~~

329 ~~c. Implementing state information technology policies more~~
330 ~~effectively; and~~

331 ~~d. Maintaining or improving the level of service provision~~
332 ~~to customer entities.~~

333 ~~2. The agency shall establish workgroups as necessary to~~
334 ~~ensure participation by affected agencies in the development of~~
335 ~~recommendations related to consolidations.~~

336 ~~(c)(e)~~ Develop and establish rules relating to the
337 operation of the primary data centers ~~state data center system~~
338 which comply with applicable federal regulations, including 2
339 C.F.R. part 225 and 45 C.F.R. ~~The agency shall publish notice of~~
340 ~~rule development in the Florida Administrative Weekly by October~~
341 ~~1, 2011.~~ The rules must address:

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342 1. Ensuring that financial information is captured and
343 reported consistently and accurately.

344 2. Identifying standards for hardware, including standards
345 for a shared, virtualized server environment, and operations
346 system software and other operational software, including
347 security and network infrastructure, for the primary data
348 centers; requiring compliance with such standards in order to
349 enable the efficient consolidation of the agency data centers or
350 computing facilities; and providing an exemption process from
351 compliance with such standards, which must be consistent with
352 paragraph (5) (b).

353 3. Requiring annual full cost recovery on an equitable
354 rational basis. The cost-recovery methodology must ensure that
355 no service is subsidizing another service and may include
356 adjusting the subsequent year's rates as a means to recover
357 deficits or refund surpluses from a prior year.

358 ~~4. Requiring that any special assessment imposed to fund~~
359 ~~expansion is based on a methodology that apportions the~~
360 ~~assessment according to the proportional benefit to each~~
361 ~~customer entity.~~

362 ~~4.5.~~ Requiring that rebates be given when revenues have
363 exceeded costs, that rebates be applied to offset charges to
364 those customer entities that have subsidized the costs of other
365 customer entities, and that such rebates may be in the form of
366 credits against future billings.

367 ~~5.6.~~ Requiring that all service-level agreements have a
368 contract term of up to 3 years, but may include an option to

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369 renew for up to 3 additional years ~~contingent on approval by the~~
370 ~~board~~, and require at least a 180-day notice of termination.

371 (d) By October 1, 2012, and each year thereafter, provide
372 recommendations to the Governor and Legislature relating to
373 changes to the schedule for the consolidations of state agency
374 data centers as provided in subsection (4).

375 (3) STATE AGENCY DUTIES.—

376 (a) For the purpose of completing the its work activities
377 as described in subsections ~~subsection~~ (1) and (2), each state
378 agency shall provide to the Agency for State Enterprise
379 ~~Information~~ Technology all requested information relating to its
380 data centers and computing facilities and any other information
381 relevant to the agency's ability to effectively transition its
382 computer services into a primary data center. The agency shall
383 also participate as required in workgroups relating to specific
384 consolidation planning and implementation tasks as assigned by
385 the Agency for State Enterprise ~~Information~~ Technology and
386 determined necessary to accomplish consolidation goals.

387 ~~(b) Each state agency shall submit to the Agency for~~
388 ~~Enterprise Information Technology information relating to its~~
389 ~~data centers and computing facilities as required in~~
390 ~~instructions issued by July 1 of each year by the Agency for~~
391 ~~Enterprise Information Technology. The information required may~~
392 ~~include:~~

- 393 ~~1. Amount of floor space used and available.~~
- 394 ~~2. Numbers and capacities of mainframes and servers.~~
- 395 ~~3. Storage and network capacity.~~
- 396 ~~4. Amount of power used and the available capacity.~~

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397 ~~5. Estimated expenditures by service area, including~~
398 ~~hardware and software, numbers of full-time equivalent~~
399 ~~positions, personnel turnover, and position reclassifications.~~

400 ~~6. A list of contracts in effect for the fiscal year,~~
401 ~~including, but not limited to, contracts for hardware, software~~
402 ~~and maintenance, including the expiration date, the contract~~
403 ~~parties, and the cost of the contract.~~

404 ~~7. Service-level agreements by customer entity.~~

405 (b)(e) Each state agency customer of a primary data center
406 shall notify the data center and the Agency for State
407 Technology, by May 31 and November 30 of each year, of any
408 significant changes in anticipated use ~~utilization~~ of data
409 center services pursuant to requirements established by the
410 Agency for State Technology ~~boards of trustees of each primary~~
411 ~~data center.~~

412 (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.-

413 (f) During the 2012-2013 fiscal year, the following shall
414 be consolidated into the Northwood Shared Resource Center:

415 1. By July 1, 2012, the Agency for Health Care
416 Administration.

417 2. By August 31, 2012, the Department of Highway Safety
418 and Motor Vehicles.

419 3.2. By December 31, 2012, the Department of Environmental
420 Protection's Palmetto Commons.

421 4.3. By December 31, 2012, the Department of Health's Test
422 and Development Lab and all remaining data center resources
423 located at the Capital Circle Office Complex ~~March 30, 2013, the~~
424 ~~Department of Law Enforcement's headquarters location.~~

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425 (g) During the 2013-2014 fiscal year, the following
426 agencies shall work with the Agency for State Enterprise
427 ~~Information~~ Technology to begin preliminary planning for
428 consolidation into a primary data center:

429 ~~1. The Department of the Lottery's headquarters location.~~

430 ~~1.2.~~ The Department of Legal Affairs.

431 ~~2.3.~~ The Fish and Wildlife Conservation Commission, except
432 for the commission's Fish and Wildlife Research Institute in St.
433 Petersburg.

434 ~~3.4.~~ The Executive Office of the Governor.

435 ~~4.5.~~ The Department of Veterans' Affairs.

436 ~~5.6.~~ The Department of Elderly Affairs.

437 ~~6.7.~~ The Department of Financial Services' Hartman,
438 Larson, and Fletcher Building Data Centers.

439 ~~7.8.~~ The Department of Agriculture and Consumer Services'
440 Agriculture Management Information Center in the Mayo Building
441 and Division of Licensing.

442 (h) During the 2014-2015 fiscal year, the following
443 agencies shall work with the Agency for State Enterprise
444 ~~Information~~ Technology to begin preliminary planning for
445 consolidation into a primary data center:

446 1. The Department of Health's Jacksonville Lab Data
447 Center.

448 2. The Department of Transportation's district offices,
449 toll offices, and the District Materials Office.

450 3. The Department of Military Affairs' Camp Blanding Joint
451 Training Center in Starke.

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452 4. The Department of Community Affairs' Camp Blanding
453 Emergency Operations Center in Starke.

454 5. The Department of Education's Division of Blind
455 Services disaster recovery site in Daytona Beach.

456 6. The Department of Education's disaster recovery site at
457 Santa Fe College.

458 ~~7. The Department of the Lottery's Disaster Recovery~~
459 ~~Backup Data Center in Orlando.~~

460 ~~7.8.~~ The Fish and Wildlife Conservation Commission's Fish
461 and Wildlife Research Institute in St. Petersburg.

462 ~~8.9.~~ The Department of Children and Family Services'
463 Suncoast Data Center in Tampa.

464 ~~9.10.~~ The Department of Children and Family Services'
465 Florida State Hospital in Chattahoochee.

466 (i) During the 2015-2016 fiscal year, all computing
467 resources remaining within an agency ~~nonprimary~~ data center or
468 computing facility shall be transferred to a primary data center
469 for consolidation unless otherwise required to remain in the
470 agency for specified financial, technical, or business reasons
471 that must be justified in writing and approved by the
472 ~~Legislature Agency for Enterprise Information Technology. Such~~
473 ~~data centers, computing facilities, and resources must be~~
474 ~~identified by the Agency for Enterprise Information Technology~~
475 ~~by October 1, 2014.~~

476 (j) The Department of Law Enforcement, the Department of
477 the Lottery's Gaming System, Systems Design and Development in
478 the Office of Policy and Budget, and the State Board of

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479 Administration are exempt from data center consolidation under
480 this section.

481 ~~(k)-(j)~~ Any agency that is consolidating agency data
482 centers into a primary data center must execute a new or update
483 an existing service-level agreement within 60 days after the
484 specified consolidation date, as required by s. 282.203, in
485 order to specify the services and levels of service it is to
486 receive from the primary data center as a result of the
487 consolidation. If an agency is unable to execute a service-level
488 agreement by that date, the agency shall submit a report to the
489 Executive Office of the Governor and to the chairs of the
490 legislative appropriations committees within 5 working days
491 after that date which explains the specific issues preventing
492 execution and describing its plan and schedule for resolving
493 those issues.

494 ~~(l)-(k)~~ Beginning September 1, 2011, and every 6 months
495 thereafter until data center consolidations are complete, the
496 Agency for State Enterprise Information Technology shall provide
497 a status report on the implementation of the consolidations that
498 must be completed during the fiscal year. The report shall be
499 submitted to the Executive Office of the Governor and the chairs
500 of the legislative appropriations committees. The report must,
501 at a minimum, describe:

502 1. Whether the consolidation is on schedule, including
503 progress on achieving the milestones necessary for successful
504 and timely consolidation of scheduled agency data centers and
505 computing facilities; and

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506 2. The risks that may affect the progress or outcome of
507 the consolidation and how these risks are being addressed,
508 mitigated, or managed.

509 ~~(m)(1)~~ Each agency identified in this subsection for
510 consolidation into a primary data center shall submit a
511 transition plan to the appropriate primary data center ~~Agency~~
512 ~~for Enterprise Information Technology~~ by July ~~September~~ 1 of the
513 fiscal year before the fiscal year in which the scheduled
514 consolidation will occur. Transition plans shall be developed in
515 consultation with the appropriate primary data center ~~centers~~
516 and the Agency for State ~~Enterprise Information~~ Technology, and
517 must include:

518 1. An inventory of the agency data center's resources
519 being consolidated, including all hardware, software, staff, and
520 contracted services, and the facility resources performing data
521 center management and operations, security, backup and recovery,
522 disaster recovery, system administration, database
523 administration, system programming, job control, production
524 control, print, storage, technical support, help desk, and
525 managed services, but excluding application development;

526 2. A description of the level of services needed to meet
527 the technical and operational requirements of the platforms
528 being consolidated and an estimate of the primary data center's
529 cost for the provision of such services;

530 3. A description of resources for computing services
531 proposed to remain in the department;

532 4. A timetable with significant milestones for the
533 completion of the consolidation; and

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534 5. The specific recurring and nonrecurring budget
535 adjustments of budget resources by appropriation category into
536 the appropriate data processing category pursuant to the
537 legislative budget instructions in s. 216.023 necessary to
538 support agency costs for the transfer.

539 ~~(n)-(m)~~ Each primary data center shall develop a transition
540 plan for absorbing the transfer of agency data center resources
541 based upon the timetables for transition as provided in this
542 subsection. The plan shall be submitted to the Agency for State
543 ~~Enterprise Information~~ Technology, the Executive Office of the
544 Governor, and the chairs of the legislative appropriations
545 committees by September 1 ~~30~~ of the fiscal year before the
546 fiscal year in which the scheduled consolidations will occur.
547 Each plan must include:

548 1. An estimate of the cost to provide data center services
549 for each agency scheduled for consolidation. ~~†~~

550 2. A staffing plan that identifies the projected staffing
551 needs and requirements based on the estimated workload
552 identified in the agency transition plan. ~~†~~

553 3. The fiscal year adjustments to budget categories in
554 order to absorb the transfer of agency data center resources
555 pursuant to the legislative budget request instructions provided
556 in s. 216.023. ~~†~~

557 4. An analysis of the cost effects resulting from the
558 planned consolidations on existing agency customers. ~~† and~~

559 5. A description of any issues that must be resolved in
560 order to accomplish as efficiently and effectively as possible
561 all consolidations required during the fiscal year.

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562 ~~(n) The Agency for Enterprise Information Technology shall~~
563 ~~develop a comprehensive transition plan, which shall be~~
564 ~~submitted by October 15th of the fiscal year before the fiscal~~
565 ~~year in which the scheduled consolidations will occur to each~~
566 ~~primary data center, to the Executive Office of the Governor,~~
567 ~~and the chairs of the legislative appropriations committees. The~~
568 ~~transition plan shall be developed in consultation with agencies~~
569 ~~submitting agency transition plans and with the affected primary~~
570 ~~data centers. The comprehensive transition plan must include:~~

571 ~~1. Recommendations for accomplishing the proposed~~
572 ~~transitions as efficiently and effectively as possible with~~
573 ~~minimal disruption to customer agency business processes;~~

574 ~~2. Strategies to minimize risks associated with any of the~~
575 ~~proposed consolidations;~~

576 ~~3. A compilation of the agency transition plans submitted~~
577 ~~by agencies scheduled for consolidation for the following fiscal~~
578 ~~year; and~~

579 ~~4. Revisions to any budget adjustments provided in the~~
580 ~~agency or primary data center transition plans.~~

581 ~~(o) Any agency data center scheduled for consolidation~~
582 ~~after the 2011-2012 fiscal year may consolidate into a primary~~
583 ~~data center before its scheduled date contingent upon the~~
584 ~~approval of the Agency for Enterprise Information Technology.~~

585 (5) AGENCY LIMITATIONS.—

586 (a) Unless exempt from data center consolidation pursuant
587 to this section or authorized by the Legislature or as provided
588 in paragraphs (b) and (c), a state agency may not:

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589 1. Create a new computing facility or data center, or
590 expand the capability to support additional computer equipment
591 in an existing agency computing facility or ~~nonprimary~~ data
592 center;

593 2. Spend funds before the agency's scheduled consolidation
594 into a primary data center to purchase or modify hardware or
595 operations software that does not comply with hardware and
596 software standards established by the Agency for State
597 ~~Enterprise Information~~ Technology pursuant to paragraph (2) (c)
598 ~~(2) (e)~~ for the efficient consolidation of the agency data
599 centers or computing facilities;

600 3. Transfer existing computer services to any data center
601 other than a primary data center;

602 4. Terminate services with a primary data center or
603 transfer services between primary data centers without giving
604 written notice of intent to terminate or transfer services 180
605 days before such termination or transfer; or

606 5. Initiate a new computer service ~~if it does not~~
607 ~~currently have an internal data center~~ except with a primary
608 data center.

609 (b) Exceptions to the limitations in subparagraphs (a)1.,
610 2., 3., and 5. may be granted by the Agency for State ~~Enterprise~~
611 ~~Information~~ Technology if there is insufficient capacity in a
612 primary data center to absorb the workload associated with
613 agency computing services, if expenditures are compatible with
614 the scheduled consolidation and the standards established
615 pursuant to paragraph (2) (c) ~~(2) (e)~~, or if the equipment or
616 resources are needed to meet a critical agency business need

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617 that cannot be satisfied from surplus equipment or resources of
618 the primary data center until the agency data center is
619 consolidated.

620 1. A request for an exception must be submitted in writing
621 to the Agency for State Enterprise Information Technology. The
622 agency must accept, accept with conditions, or deny the request
623 within 60 days after receipt of the written request. The
624 agency's decision is not subject to chapter 120.

625 2. At a minimum, the agency may not approve a request
626 unless it includes:

627 a. Documentation approved by the primary data center
628 ~~center's board of trustees~~ which confirms that the center cannot
629 meet the capacity requirements of the agency requesting the
630 exception within the current fiscal year.

631 b. A description of the capacity requirements of the
632 agency requesting the exception.

633 c. Documentation from the agency demonstrating why it is
634 critical to the agency's mission that the expansion or transfer
635 must be completed within the fiscal year rather than when
636 capacity is established at a primary data center.

637 (c) Exceptions to subparagraph (a)4. may be granted by the
638 Agency for State Technology ~~board of trustees of the primary~~
639 ~~data center~~ if the termination or transfer of services can be
640 absorbed within the current cost-allocation plan.

641 (d) Upon the termination of or transfer of agency
642 computing services from the primary data center, the primary
643 data center shall require information sufficient to determine
644 compliance with this section. If a primary data center

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645 determines that an agency is in violation of this section, it
646 shall report the violation to the Agency for State Enterprise
647 ~~Information~~ Technology.

648 ~~(6) RULES. The Agency for Enterprise Information~~
649 ~~Technology may adopt rules to administer this part relating to~~
650 ~~the state data center system including the primary data centers.~~

651 Section 9. Section 282.203, Florida Statutes, is amended
652 to read:

653 282.203 Primary data centers.—

654 (1) DATA CENTER DUTIES.—Each primary data center shall:

655 (a) Serve customer entities as an information-system
656 utility.

657 (b) Cooperate with customer entities to offer, develop,
658 and support the services and applications as defined within the
659 service level agreement executed pursuant to this section ~~and~~
660 ~~provided by the center's board of trustees and customer~~
661 ~~entities.~~

662 (c) Comply with all policies and rules adopted by the
663 Agency for State Enterprise Information Technology for the
664 operation of a primary data center, ~~pursuant to this section,~~
665 and coordinate with the agency in the implementation of the
666 schedule for consolidations of agency data centers pursuant to
667 s. 282.201 consolidation of data centers.

668 (d) Provide to each agency head by September 1 of the
669 fiscal year before the fiscal year in which the agency's
670 consolidation is scheduled to occur the projected costs to
671 provide data center services. Each agency head shall use the
672 projected cost for inclusion in his or her respective

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673 legislative budget request for budget adjustments necessary to
674 fund the agency's data center services.

675 ~~(e)-(d)~~ Provide transparent financial statements to
676 customer entities, ~~the center's board of trustees,~~ and the
677 Agency for State Enterprise Information Technology. The
678 financial statements shall be provided as follows:

679 1. Annually, by July 30 for the current fiscal year and by
680 December 1 for the subsequent fiscal year, the data center must
681 provide the total annual budgeted costs by major expenditure
682 category, including, but not limited to, salaries, expense,
683 operating capital outlay, contracted services, or other
684 personnel services, which directly relate to the provision of
685 each service and which separately indicate the administrative
686 overhead allocated to each service.

687 2. Annually, by July 30 for the current fiscal year and by
688 December 1 for the subsequent fiscal year, the data center must
689 provide total projected billings for each customer entity which
690 are required to recover the costs of the data center.

691 3. Annually, by January 31, the data center must provide
692 updates of the financial statements required under subparagraphs
693 1. and 2. for the current fiscal year.

694 ~~4. By February 15, for proposed legislative budget~~
695 ~~increases, the data center must provide updates of the financial~~
696 ~~statements required under subparagraphs 1. and 2. for the~~
697 ~~subsequent fiscal year.~~

698
699 The financial information required under subparagraphs 1., 2.,
700 and 3. must be based on current law and current appropriations.

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701 ~~(c) Annually, by October 1, submit to the board of~~
702 ~~trustees cost-reduction proposals, including strategies and~~
703 ~~timetables for lowering customer entities' costs without~~
704 ~~reducing the level of services.~~

705 (f) Maintain the performance of the facility, which
706 includes ensuring proper data backup, ~~data backup~~ recovery, an
707 effective disaster recovery plan, and appropriate security,
708 power, and cooling and fire suppression, ~~and capacity.~~

709 (g) Develop a business continuity plan and conduct a live
710 exercise of the plan at least annually. The plan must be
711 approved by ~~the board and~~ the Agency for State Enterprise
712 ~~Information~~ Technology.

713 (h) Enter into a service-level agreement with each
714 customer entity to provide data center services ~~as defined and~~
715 ~~approved by the board.~~ A service-level agreement may not have a
716 term exceeding 3 years but may include an option to renew for up
717 to 3 years ~~contingent on approval by the board.~~

718 1. A service-level agreement, at a minimum, must:

719 a. Identify the parties and their roles, duties, and
720 responsibilities under the agreement. ~~†~~

721 b. Identify the legal authority under which the service-
722 level agreement was negotiated and entered into by the parties. ~~†~~

723 c. State the duration of the contractual term and specify
724 the conditions for contract renewal. ~~†~~

725 d. Prohibit the transfer of computing services between
726 primary data centers ~~center facilities~~ without at least 180
727 days' notice of service cancellation. ~~†~~

728 e. Identify the scope of work. ~~†~~

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729 f. Identify the products or services to be delivered with
730 sufficient specificity to permit an external financial or
731 performance audit.~~†~~

732 g. Establish the services to be provided, the business
733 standards that must be met for each service, the cost of each
734 service, and the process by which the business standards for
735 each service are to be objectively measured and reported.~~†~~

736 h. Identify applicable funds and funding sources ~~streams~~
737 for the services or products under contract.~~†~~

738 i. Provide a timely billing methodology for recovering the
739 cost of services provided to the customer entity.~~†~~

740 j. Provide a procedure for modifying the service-level
741 agreement to address changes in projected costs of service.~~†~~

742 k. Provide that a service-level agreement may be
743 terminated by either party for cause only after giving the other
744 party and the Agency for State ~~Enterprise Information~~ Technology
745 notice in writing of the cause for termination and an
746 opportunity for the other party to resolve the identified cause
747 within a reasonable period.~~†~~ ~~and~~

748 1. Provide for mediation of disputes by the Division of
749 Administrative Hearings pursuant to s. 120.573.

750 2. A service-level agreement may include:

751 a. A dispute resolution mechanism, including alternatives
752 to administrative or judicial proceedings;

753 b. The setting of a surety or performance bond for
754 service-level agreements entered into with ~~agency~~ primary data
755 centers established by law; or

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756 c. Additional terms and conditions as determined advisable
757 by the parties if such additional terms and conditions do not
758 conflict with the requirements of this section or rules adopted
759 by the Agency for State ~~Enterprise Information~~ Technology.

760 3. The failure to execute a service-level agreement within
761 60 days after service commencement shall, in the case of an
762 existing customer entity, result in a continuation of the terms
763 of the service-level agreement from the prior fiscal year,
764 including any amendments that were formally proposed to the
765 customer entity by the primary data center within the 3 months
766 before service commencement, and a revised cost-of-service
767 estimate. If a new customer entity fails to execute an agreement
768 within 60 days after service commencement, the data center may
769 cease services.

770 (i) Plan, design, establish pilot projects for, and
771 conduct experiments with information technology resources, and
772 implement enhancements in services if such implementation is
773 cost-effective and approved by the Agency for State Technology
774 board.

775 (j) Enter into a memorandum of understanding with the
776 agency where the data center is administratively located if the
777 data center requires the agency to provide any administrative
778 services to the data center and the cost of such services. Any
779 administrative overhead costs charged shall require a specific
780 appropriation in the General Appropriation Act.

781 (k) Be the custodian of resources and equipment that are
782 located, operated, supported, and managed by the center for the
783 purposes of chapter 273.

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784 (1) Assume administrative access rights to the resources
785 and equipment, such as servers, network components, and other
786 devices that are consolidated into the primary data center.

787 1. Upon the date of each consolidation specified in s.
788 282.201, the General Appropriations Act, or the Laws of Florida,
789 each agency shall relinquish all administrative access rights to
790 such resources and equipment. Agencies required to comply with
791 federal and state criminal justice information security rules
792 and policies shall retain administrative access rights
793 sufficient to comply with the management control provisions of
794 those rules and policies; however, the primary data center shall
795 have the appropriate type and level of rights to allow the
796 center to comply with its duties pursuant to this section.

797 2. Each primary data center shall provide its customer
798 agencies with the appropriate level of access to applications,
799 servers, network components, and other devices necessary for
800 agencies to perform their core business activities and
801 functions.

802 ~~(2) BOARD OF TRUSTEES. Each primary data center shall be~~
803 ~~headed by a board of trustees as defined in s. 20.03.~~

804 ~~(a) The members of the board shall be appointed by the~~
805 ~~agency head or chief executive officer of the representative~~
806 ~~customer entities of the primary data center and serve at the~~
807 ~~pleasure of the appointing customer entity. Each agency head or~~
808 ~~chief executive officer may appoint an alternate member for each~~
809 ~~board member appointed pursuant to this subsection.~~

810 ~~1. During the first fiscal year that a state agency is to~~
811 ~~consolidate its data center operations to a primary data center~~
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812 ~~and for the following full fiscal year, the agency shall have a~~
813 ~~single trustee having one vote on the board of the state primary~~
814 ~~data center where it is to consolidate, unless it is entitled in~~
815 ~~the second year to a greater number of votes as provided in~~
816 ~~subparagraph 3.~~

817 ~~2. Board membership shall be as provided in subparagraph~~
818 ~~3. based on the most recent estimate of customer entity usage~~
819 ~~rates for the prior year and a projection of usage rates for the~~
820 ~~first 9 months of the next fiscal year. Such calculation must be~~
821 ~~completed before the annual budget meeting held before the~~
822 ~~beginning of the next fiscal year so that any decision to add or~~
823 ~~remove board members can be voted on at the budget meeting and~~
824 ~~become effective on July 1 of the subsequent fiscal year.~~

825 ~~3. Each customer entity that has a projected usage rate of~~
826 ~~4 percent or greater during the fiscal operating year of the~~
827 ~~primary data center shall have one trustee on the board.~~

828 ~~4. The total number of votes for each trustee shall be~~
829 ~~apportioned as follows:~~

830 ~~a. Customer entities of a primary data center whose usage~~
831 ~~rate represents 4 but less than 15 percent of total usage shall~~
832 ~~have one vote.~~

833 ~~b. Customer entities of a primary data center whose usage~~
834 ~~rate represents 15 but less than 30 percent of total usage shall~~
835 ~~have two votes.~~

836 ~~e. Customer entities of a primary data center whose usage~~
837 ~~rate represents 30 but less than 50 percent of total usage shall~~
838 ~~have three votes.~~

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839 ~~d. A customer entity of a primary data center whose usage~~
840 ~~rate represents 50 percent or more of total usage shall have~~
841 ~~four votes.~~

842 ~~e. A single trustee having one vote shall represent those~~
843 ~~customer entities that represent less than 4 percent of the~~
844 ~~total usage. The trustee shall be selected by a process~~
845 ~~determined by the board.~~

846 ~~(b) Before July 1 of each year, each board of trustees of~~
847 ~~a primary data center shall elect a chair and a vice chair to a~~
848 ~~term of 1 year or until a successor is elected. The vice chair~~
849 ~~shall serve in the absence of the chair. The chair may be~~
850 ~~elected to serve one additional successive term.~~

851 ~~(c) Members of the board representing customer entities~~
852 ~~who fail to timely pay for data center services do not have~~
853 ~~voting rights.~~

854 ~~(d) A majority of the members constitutes a quorum. The~~
855 ~~board shall take action by a majority vote of the members if a~~
856 ~~quorum is present. If there is a tie, the chair shall be on the~~
857 ~~prevailing side.~~

858 ~~(e) The executive director of the Agency for Enterprise~~
859 ~~Information Technology shall be the advisor to the board.~~

860 ~~(f) To facilitate planned data center consolidations,~~
861 ~~board membership may be adjusted as provided in the General~~
862 ~~Appropriations Act.~~

863 ~~(2)-(3) PRIMARY DATA CENTER DIRECTOR BOARD DUTIES.—Each~~
864 ~~board of trustees of a primary data center shall be headed by a~~
865 ~~director who shall:~~

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866 ~~(a) Employ an executive director, pursuant to s. 20.05,~~
867 ~~who serves at the pleasure of the board. The executive director~~
868 ~~is responsible for the daily operation of the primary data~~
869 ~~center, ensuring compliance with all laws and rules regulating~~
870 ~~the primary data center, managing primary data center employees,~~
871 ~~and the performance of the primary data center. The board shall~~
872 ~~establish an annual performance evaluation process for the~~
873 ~~executive director. The appointment of the executive director~~
874 ~~must be reconfirmed by the board biennially.~~

875 (a)~~(b)~~ Establish procedures for the primary data center to
876 ensure that budgeting and accounting procedures, cost-recovery
877 methodologies, and operating procedures are in compliance with
878 laws governing the ~~state data center system~~, rules adopted by
879 the Agency for State Enterprise Information Technology, and
880 applicable federal regulations, including 2 C.F.R. part 225 and
881 45 C.F.R.

882 ~~(c) Monitor the operation of the primary data center to~~
883 ~~ensure compliance by the executive director and employees with~~
884 ~~laws and rules governing the primary data center, and ensure~~
885 ~~that staff members are accountable for the performance of the~~
886 ~~primary data center.~~

887 (b)~~(d)~~ Provide each customer entity with full disclosure
888 concerning plans for new, additional, or reduced service
889 requirements, including expected achievable service levels and
890 performance metrics.

891 (c)~~(e)~~ Ensure the sufficiency and transparency of the
892 primary data center financial information by:

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893 1. Establishing policies that ensure that cost-recovery
894 methodologies, billings, receivables, expenditure, budgeting,
895 and accounting data are captured and reported timely,
896 consistently, accurately, and transparently and, upon adoption
897 of rules by the Agency for State Enterprise Information
898 Technology, are in compliance with such rules.

899 2. Requiring execution of service-level agreements by the
900 data center and each customer entity for services provided by
901 the data center to the customer entity.

902 3. Requiring cost recovery for the full cost of services,
903 including direct and indirect costs. The cost-recovery
904 methodology must ensure that no service is subsidizing another
905 service without an affirmative vote of approval by the customer
906 entity providing the subsidy.

907 ~~4. Establishing special assessments to fund expansions~~
908 ~~based on a methodology that apportions the assessment according~~
909 ~~to the proportional benefit to each customer entity.~~

910 ~~4.5.~~ Providing rebates to customer entities when revenues
911 exceed costs and offsetting charges to those who have subsidized
912 other customer entity costs based on actual prior year final
913 expenditures. Rebates may be credited against future billings.

914 ~~6. Approving all expenditures committing over \$50,000 in a~~
915 ~~fiscal year.~~

916 ~~5.7.~~ Projecting costs and revenues at the beginning of the
917 third quarter of each fiscal year through the end of the fiscal
918 year. If in any given fiscal year the primary data center is
919 projected to earn revenues that are below costs for that fiscal
920 year, the data center director must submit a plan for

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921 consideration by the Legislative Budget Commission that after
922 ~~first reducing operating costs where possible, the board shall~~
923 ~~implement any combination of the following remedies to cover the~~
924 ~~shortfall:~~

925 a. Identifies the cause or causes for the revenue
926 shortfall. ~~The board may direct the primary data center to~~
927 ~~adjust current year chargeback rates through the end of the~~
928 ~~fiscal year to cover the shortfall. The rate adjustments shall~~
929 ~~be implemented using actual usage rate and billing data from the~~
930 ~~first three quarters of the fiscal year and the same principles~~
931 ~~used to set rates for the fiscal year.~~

932 b. Recommends options for addressing the shortfall to
933 include reducing the primary data center's operating costs where
934 possible. If an option includes increasing the rates through the
935 end of the fiscal year to cover the shortfall, the plan must
936 identify the fund source or sources that the agency will use to
937 pay for the increase ~~The board may direct the primary data~~
938 ~~center to levy one-time charges on all customer entities to~~
939 ~~cover the shortfall. The one-time charges shall be implemented~~
940 ~~using actual usage rate and billing data from the first three~~
941 ~~quarters of the fiscal year and the same principles used to set~~
942 ~~rates for the fiscal year.~~

943 e. ~~The customer entities represented by each board member~~
944 ~~may provide payments to cover the shortfall in proportion to the~~
945 ~~amounts each entity paid in the prior fiscal year.~~

946 6. Providing a plan for consideration by the Legislative
947 Budget Commission if a billing rate schedule is used after the

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948 start of the fiscal year that increases any agency's costs for
949 that fiscal year.

950 ~~(f) Meet as often as necessary, but not less than once per~~
951 ~~quarter, and hold the annual budget meeting between April 1 and~~
952 ~~June 30 of each year.~~

953 (d)~~(g)~~ Approve the portfolio of services offered by the
954 data center.

955 (e)~~(h)~~ By July 1 of each year, submit to the Agency for
956 State Enterprise Information Technology proposed cost-recovery
957 mechanisms and rate structures for all customer entities for the
958 fiscal year including the cost-allocation methodology for
959 administrative expenditures and the calculation of
960 administrative expenditures as a percent of total costs.

961 (f)~~(i)~~ Consider energy-efficient products and their total
962 cost of ownership when replacing, upgrading, or expanding:

963 1. Data center facilities, including, but not limited to,
964 environmental, power, and control systems; and

965 2. Data center network, storage, and computer equipment.

966 If the total cost of ownership, including initial acquisition
967 cost, is estimated to be equal to or lower than existing
968 infrastructure, technical specifications for energy-efficient
969 products should be incorporated into the replacement, upgrade,
970 or expansion planning and acquisition process.

971 (g)~~(j)~~ Maintain the capabilities of the primary data
972 center's facilities. Maintenance responsibilities include, but
973 are not limited to, ensuring that adequate conditioned floor
974 space, fire suppression, cooling, and power is in place;
975 replacing aging equipment when necessary; and making decisions

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976 related to data center ~~expansion and~~ renovation, periodic
977 upgrades, and improvements that are required to ensure the
978 ongoing suitability of the facility as a primary an enterprise
979 data center ~~consolidation site in the state data center system.~~
980 ~~To the extent possible, the board shall ensure that its approved~~
981 ~~annual cost-allocation plan recovers sufficient funds from its~~
982 ~~customers to provide for these needs.~~

983 (h) ~~(k)~~ Coordinate with other primary data centers and the
984 Agency for State Enterprise Information Technology in order to
985 consolidate purchases of goods and services and lower the cost
986 of providing services to customer entities.

987 (i) ~~(l)~~ Contract with other primary data centers for the
988 provision of administrative services or with the agency within
989 which the primary data center is housed, whichever is most cost-
990 effective. Any administrative overhead costs charged shall
991 require a specific appropriation in the General Appropriation
992 Act.

993 Section 10. Section 282.204, Florida Statutes, is amended
994 to read:

995 282.204 Northwood Shared Resource Center.—The Northwood
996 Shared Resource Center is an agency established within the
997 Department of Management Services for administrative purposes
998 only.

999 (1) The center is a primary data center and is a separate
1000 budget entity that is not subject to control, supervision, or
1001 direction of the department in any manner, including, but not
1002 limited to, purchasing, transactions involving real or personal
1003 property, personnel, or budgetary matters.

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1004 (2) The center shall be headed by a director who shall be
1005 appointed by the executive director of the Agency for State
1006 Technology. The director of the center shall be responsible for
1007 its daily operation, ensuring its compliance with all laws and
1008 rules governing the center, and managing its performance and
1009 employees board of trustees as provided in s. 282.203, who shall
1010 comply with all requirements of that section related to the
1011 operation of the center and with the rules of the Agency for
1012 Enterprise Information Technology related to the design and
1013 delivery of enterprise information technology services.

1014 Section 11. Section 282.205, Florida Statutes, is amended
1015 to read:

1016 282.205 Southwood Shared Resource Center.—The Southwood
1017 Shared Resource Center is an agency established within the
1018 department for administrative purposes only.

1019 (1) The center is designated as a primary data center and
1020 shall be a separate budget entity that is not subject to
1021 control, supervision, or direction of the department in any
1022 manner, including, but not limited to, purchasing, transactions
1023 involving real or personal property, personnel, or budgetary
1024 matters.

1025 (2) The center shall be headed by a director who shall be
1026 appointed by the executive director of the Agency for State
1027 Technology. The director of the center shall be responsible for
1028 its daily operation, ensuring its compliance with all laws and
1029 rules governing the center, and managing its performance and
1030 employees board of trustees as provided in s. 282.203, who shall
1031 comply with all requirements of that section related to the

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1032 ~~operation of the center and with the rules of the Agency for~~
1033 ~~Enterprise Information Technology related to the design and~~
1034 ~~delivery of enterprise information technology services.~~

1035 Section 12. Section 282.33, Florida Statutes, is repealed.

1036 Section 13. Effective upon this act becoming a law,
1037 section 282.34, Florida Statutes, is repealed.

1038 Section 14. Subsection (1) and paragraph (g) of subsection
1039 (2) of section 17.0315, Florida Statutes, are amended to read:

1040 17.0315 Financial and cash management system; task force.-

1041 (1) The Chief Financial Officer, as the constitutional
1042 officer responsible for settling and approving accounts against
1043 the state and keeping all state funds pursuant to s. 4, Art. IV
1044 of the State Constitution, shall be the head of and appoint
1045 members to a task force established to develop a strategic
1046 business plan for a successor financial and cash management
1047 system. The task force shall include the executive director of
1048 the Agency for State Enterprise Information Technology and the
1049 director of the Office of Policy and Budget in the Executive
1050 Office of the Governor. Any member of the task force may appoint
1051 a designee.

1052 (2) The strategic business plan for a successor financial
1053 and cash management system must:

1054 (g) Be coordinated with the information technology
1055 strategy development efforts of the Agency for State Enterprise
1056 ~~Information~~ Technology;

1057 Section 15. Paragraph (e) of subsection (2) of section
1058 110.205, Florida Statutes, is amended to read:

1059 110.205 Career service; exemptions.-

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1060 (2) EXEMPT POSITIONS.—The exempt positions that are not
1061 covered by this part include the following:

1062 (e) The Chief Information Officer in the Agency for State
1063 ~~Enterprise Information~~ Technology. Unless otherwise fixed by
1064 law, the Agency for State ~~Enterprise Information~~ Technology
1065 shall set the salary and benefits of this position in accordance
1066 with the rules of the Senior Management Service.

1067 Section 16. Subsections (2) and (9) of section 215.322,
1068 Florida Statutes, are amended to read:

1069 215.322 Acceptance of credit cards, charge cards, debit
1070 cards, or electronic funds transfers by state agencies, units of
1071 local government, and the judicial branch.—

1072 (2) A state agency as defined in s. 216.011, or the
1073 judicial branch, may accept credit cards, charge cards, debit
1074 cards, or electronic funds transfers in payment for goods and
1075 services with the prior approval of the Chief Financial Officer.
1076 If the Internet or other related electronic methods are to be
1077 used as the collection medium, the Agency for State ~~Enterprise~~
1078 ~~Information~~ Technology shall review and recommend to the Chief
1079 Financial Officer whether to approve the request with regard to
1080 the process or procedure to be used.

1081 (9) For payment programs in which credit cards, charge
1082 cards, or debit cards are accepted by state agencies, the
1083 judicial branch, or units of local government, the Chief
1084 Financial Officer, in consultation with the Agency for State
1085 ~~Enterprise Information~~ Technology, may adopt rules to establish
1086 uniform security safeguards for cardholder data and to ensure

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1087 compliance with the Payment Card Industry Data Security
1088 Standards.

1089 Section 17. Subsections (3), (4), (5), and (6) of section
1090 282.318, Florida Statutes, are amended to read:

1091 282.318 Enterprise security of data and information
1092 technology.—

1093 (3) The Agency for State ~~Enterprise Information~~ Technology
1094 is responsible for establishing rules and publishing guidelines
1095 for ensuring an appropriate level of security for all data and
1096 information technology resources for executive branch agencies.
1097 The agency shall also perform the following duties and
1098 responsibilities:

1099 (a) Develop, and annually update by February 1, an
1100 enterprise information security strategic plan that includes
1101 security goals and objectives for the strategic issues of
1102 information security policy, risk management, training, incident
1103 management, and survivability planning.

1104 (b) Develop enterprise security rules and published
1105 guidelines for:

1106 1. Comprehensive risk analyses and information security
1107 audits conducted by state agencies.

1108 2. Responding to suspected or confirmed information
1109 security incidents, including suspected or confirmed breaches of
1110 personal information or exempt data.

1111 3. Agency security plans, including strategic security
1112 plans and security program plans.

1113 4. The recovery of information technology and data
1114 following a disaster.

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1115 5. The managerial, operational, and technical safeguards
1116 for protecting state government data and information technology
1117 resources.

1118 (c) Assist agencies in complying with the provisions of
1119 this section.

1120 (d) Pursue appropriate funding for the purpose of
1121 enhancing domestic security.

1122 (e) Provide training for agency information security
1123 managers.

1124 (f) Annually review the strategic and operational
1125 information security plans of executive branch agencies.

1126 (4) To assist the Agency for State ~~Enterprise Information~~
1127 Technology in carrying out its responsibilities, each agency
1128 head shall, at a minimum:

1129 (a) Designate an information security manager to
1130 administer the security program of the agency for its data and
1131 information technology resources. This designation must be
1132 provided annually in writing to the Agency for State ~~Enterprise~~
1133 ~~Information~~ Technology by January 1.

1134 (b) Submit to the Agency for State ~~Enterprise Information~~
1135 Technology annually by July 31, the agency's strategic and
1136 operational information security plans developed pursuant to the
1137 rules and guidelines established by the Agency for State
1138 ~~Enterprise Information~~ Technology.

1139 1. The agency strategic information security plan must
1140 cover a 3-year period and define security goals, intermediate
1141 objectives, and projected agency costs for the strategic issues
1142 of agency information security policy, risk management, security
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1143 training, security incident response, and survivability. The
1144 plan must be based on the enterprise strategic information
1145 security plan created by the Agency for State Enterprise
1146 ~~Information~~ Technology. Additional issues may be included.

1147 2. The agency operational information security plan must
1148 include a progress report for the prior operational information
1149 security plan and a project plan that includes activities,
1150 timelines, and deliverables for security objectives that,
1151 subject to current resources, the agency will implement during
1152 the current fiscal year. The cost of implementing the portions
1153 of the plan which cannot be funded from current resources must
1154 be identified in the plan.

1155 (c) Conduct, and update every 3 years, a comprehensive
1156 risk analysis to determine the security threats to the data,
1157 information, and information technology resources of the agency.
1158 The risk analysis information is confidential and exempt from
1159 the provisions of s. 119.07(1), except that such information
1160 shall be available to the Auditor General and the Agency for
1161 State Enterprise ~~Information~~ Technology for performing
1162 postauditing duties.

1163 (d) Develop, and periodically update, written internal
1164 policies and procedures, which include procedures for notifying
1165 the Agency for State Enterprise ~~Information~~ Technology when a
1166 suspected or confirmed breach, or an information security
1167 incident, occurs. Such policies and procedures must be
1168 consistent with the rules and guidelines established by the
1169 Agency for State Enterprise ~~Information~~ Technology to ensure the
1170 security of the data, information, and information technology

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1171 resources of the agency. The internal policies and procedures
1172 that, if disclosed, could facilitate the unauthorized
1173 modification, disclosure, or destruction of data or information
1174 technology resources are confidential information and exempt
1175 from s. 119.07(1), except that such information shall be
1176 available to the Auditor General and the Agency for State
1177 ~~Enterprise Information~~ Technology for performing postauditing
1178 duties.

1179 (e) Implement appropriate cost-effective safeguards to
1180 address identified risks to the data, information, and
1181 information technology resources of the agency.

1182 (f) Ensure that periodic internal audits and evaluations
1183 of the agency's security program for the data, information, and
1184 information technology resources of the agency are conducted.
1185 The results of such audits and evaluations are confidential
1186 information and exempt from s. 119.07(1), except that such
1187 information shall be available to the Auditor General and the
1188 Agency for State ~~Enterprise Information~~ Technology for
1189 performing postauditing duties.

1190 (g) Include appropriate security requirements in the
1191 written specifications for the solicitation of information
1192 technology and information technology resources and services,
1193 which are consistent with the rules and guidelines established
1194 by the Agency for State ~~Enterprise Information~~ Technology.

1195 (h) Provide security awareness training to employees and
1196 users of the agency's communication and information resources
1197 concerning information security risks and the responsibility of
1198 employees and users to comply with policies, standards,

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1199 guidelines, and operating procedures adopted by the agency to
1200 reduce those risks.

1201 (i) Develop a process for detecting, reporting, and
1202 responding to suspected or confirmed security incidents,
1203 including suspected or confirmed breaches consistent with the
1204 security rules and guidelines established by the Agency for
1205 State Enterprise Information Technology.

1206 1. Suspected or confirmed information security incidents
1207 and breaches must be immediately reported to the Agency for
1208 State Enterprise Information Technology.

1209 2. For incidents involving breaches, agencies shall
1210 provide notice in accordance with s. 817.5681 and to the Agency
1211 for State Enterprise Information Technology in accordance with
1212 this subsection.

1213 (5) Each state agency shall include appropriate security
1214 requirements in the specifications for the solicitation of
1215 contracts for procuring information technology or information
1216 technology resources or services which are consistent with the
1217 rules and guidelines established by the Agency for State
1218 Enterprise Information Technology.

1219 (6) The Agency for State Enterprise Information Technology
1220 may adopt rules relating to information security and to
1221 administer the provisions of this section.

1222 Section 18. Subsection (22) of section 287.057, Florida
1223 Statutes, is amended to read:

1224 287.057 Procurement of commodities or contractual
1225 services.-

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1226 (22) The department, in consultation with the Agency for
1227 State Enterprise Information Technology and the Chief Financial
1228 Officer Comptroller, shall develop a program for online
1229 procurement of commodities and contractual services. To enable
1230 the state to promote open competition and to leverage its buying
1231 power, agencies shall participate in the online procurement
1232 program, and eligible users may participate in the program. Only
1233 vendors prequalified as meeting mandatory requirements and
1234 qualifications criteria may participate in online procurement.

1235 (a) The department, in consultation with the agency, may
1236 contract for equipment and services necessary to develop and
1237 implement online procurement.

1238 (b) The department, in consultation with the agency, shall
1239 adopt rules, pursuant to ss. 120.536(1) and 120.54, to
1240 administer the program for online procurement. The rules shall
1241 include, but not be limited to:

1242 1. Determining the requirements and qualification criteria
1243 for prequalifying vendors.

1244 2. Establishing the procedures for conducting online
1245 procurement.

1246 3. Establishing the criteria for eligible commodities and
1247 contractual services.

1248 4. Establishing the procedures for providing access to
1249 online procurement.

1250 5. Determining the criteria warranting any exceptions to
1251 participation in the online procurement program.

1252 (c) The department may impose and shall collect all fees
1253 for the use of the online procurement systems.

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1254 1. The fees may be imposed on an individual transaction
1255 basis or as a fixed percentage of the cost savings generated. At
1256 a minimum, the fees must be set in an amount sufficient to cover
1257 the projected costs of the services, including administrative
1258 and project service costs in accordance with the policies of the
1259 department.

1260 2. If the department contracts with a provider for online
1261 procurement, the department, pursuant to appropriation, shall
1262 compensate the provider from the fees after the department has
1263 satisfied all ongoing costs. The provider shall report
1264 transaction data to the department each month so that the
1265 department may determine the amount due and payable to the
1266 department from each vendor.

1267 3. All fees that are due and payable to the state on a
1268 transactional basis or as a fixed percentage of the cost savings
1269 generated are subject to s. 215.31 and must be remitted within
1270 40 days after receipt of payment for which the fees are due. For
1271 fees that are not remitted within 40 days, the vendor shall pay
1272 interest at the rate established under s. 55.03(1) on the unpaid
1273 balance from the expiration of the 40-day period until the fees
1274 are remitted.

1275 4. All fees and surcharges collected under this paragraph
1276 shall be deposited in the Operating Trust Fund as provided by
1277 law.

1278 Section 19. Subsection (4) of section 445.011, Florida
1279 Statutes, is amended to read:

1280 445.011 Workforce information systems.—

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1281 (4) Workforce Florida, Inc., shall coordinate development
1282 and implementation of workforce information systems with the
1283 executive director of the Agency for State Enterprise
1284 ~~Information~~ Technology to ensure compatibility with the state's
1285 information system strategy and enterprise architecture.

1286 Section 20. Subsections (2) and (4) of section 445.045,
1287 Florida Statutes, are amended to read:

1288 445.045 Development of an Internet-based system for
1289 information technology industry promotion and workforce
1290 recruitment.-

1291 (2) Workforce Florida, Inc., shall coordinate with the
1292 Agency for State Enterprise~~Information~~ Technology and the
1293 Department of Economic Opportunity to ensure links, where
1294 feasible and appropriate, to existing job information websites
1295 maintained by the state and state agencies and to ensure that
1296 information technology positions offered by the state and state
1297 agencies are posted on the information technology website.

1298 (4) (a) Workforce Florida, Inc., shall coordinate
1299 development and maintenance of the website under this section
1300 with the executive director of the Agency for State Enterprise
1301 ~~Information~~ Technology to ensure compatibility with the state's
1302 information system strategy and enterprise architecture.

1303 (b) Workforce Florida, Inc., may enter into an agreement
1304 with the Agency for State Enterprise~~Information~~ Technology, the
1305 Department of Economic Opportunity, or any other public agency
1306 with the requisite information technology expertise for the
1307 provision of design, operating, or other technological services
1308 necessary to develop and maintain the website.

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1309 (c) Workforce Florida, Inc., may procure services
1310 necessary to implement the provisions of this section, if it
1311 employs competitive processes, including requests for proposals,
1312 competitive negotiation, and other competitive processes to
1313 ensure that the procurement results in the most cost-effective
1314 investment of state funds.

1315 Section 21. Subsection (18) of section 668.50, Florida
1316 Statutes, is amended to read:

1317 668.50 Uniform Electronic Transaction Act.—

1318 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
1319 GOVERNMENTAL AGENCIES.—

1320 (a) Except as otherwise provided in paragraph (12)(f),
1321 each governmental agency shall determine whether, and the extent
1322 to which, such agency will send and accept electronic records
1323 and electronic signatures to and from other persons and
1324 otherwise create, generate, communicate, store, process, use,
1325 and rely upon electronic records and electronic signatures.

1326 (b) To the extent that a governmental agency uses
1327 electronic records and electronic signatures under paragraph
1328 (a), the Agency for State Enterprise Information Technology, in
1329 consultation with the governmental agency, giving due
1330 consideration to security, may specify:

1331 1. The manner and format in which the electronic records
1332 must be created, generated, sent, communicated, received, and
1333 stored and the systems established for those purposes.

1334 2. If electronic records must be signed by electronic
1335 means, the type of electronic signature required, the manner and
1336 format in which the electronic signature must be affixed to the
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1337 electronic record, and the identity of, or criteria that must be
1338 met by, any third party used by a person filing a document to
1339 facilitate the process.

1340 3. Control processes and procedures as appropriate to
1341 ensure adequate preservation, disposition, integrity, security,
1342 confidentiality, and auditability of electronic records.

1343 4. Any other required attributes for electronic records
1344 which are specified for corresponding nonelectronic records or
1345 reasonably necessary under the circumstances.

1346 (c) Except as otherwise provided in paragraph (12)(f),
1347 this section does not require a governmental agency of this
1348 state to use or permit the use of electronic records or
1349 electronic signatures.

1350 (d) Service charges and fees otherwise established by law
1351 applicable to the filing of nonelectronic records shall apply in
1352 kind to the filing of electronic records.

1353 Section 22. For the 2012-2013 fiscal year, there is
1354 appropriated to the Agency for State Technology the sum of
1355 \$1,847,866 in recurring general revenue funds, and 16 full-time
1356 equivalent positions and associated salary rate of 1,415,386 are
1357 authorized for the purpose of implementing this act.

1358 Section 23. Except as otherwise expressly provided in this
1359 act, this act shall take effect July 1, 2012.

1360 -----
1361
1362
1363 **T I T L E A M E N D M E N T**

1364 Remove the entire title and insert:

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A bill to be entitled

1365
1366 An act relating to state information technology;
1367 transferring records, property, funds, trust funds,
1368 administrative authority and rules, pending issues,
1369 and existing contracts of the Agency for Enterprise
1370 Information Technology to the Agency for State
1371 Technology; nullifying certain notices and proceedings
1372 of the Agency for Enterprise Information Technology;
1373 repealing s. 14.204, F.S., relating to the Agency for
1374 Enterprise Information Technology, to abolish the
1375 agency; creating s. 14.206, F.S.; creating the Agency
1376 for State Technology; providing for the head of the
1377 agency; providing that the agency is a separate budget
1378 entity; providing for the appointment of an executive
1379 director who shall be the state's Chief Information
1380 Officer; providing for the appointment of a state
1381 Chief Information Security Officer; providing duties
1382 and responsibilities of the agency; providing for an
1383 Information Technology Strategic Plan; defining the
1384 term "major information technology project" for
1385 purposes of a provision of the plan; authorizing the
1386 agency to adopt rules; amending s. 282.0041, F.S.;
1387 revising definitions for purposes of provisions
1388 relating to information technology services and
1389 accessibility of information and technology; repealing
1390 ss. 282.0055 and 282.0056, F.S., relating to
1391 assignment of information technology and development
1392 of work and implementation plans, respectively, to

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1393 remove provisions that assign certain responsibilities
1394 and duties to the Agency for Enterprise Information
1395 Technology; amending s. 282.201, F.S., relating to the
1396 state data center system; providing duties of the
1397 Agency for State Technology; directing the agency to
1398 develop and establish rules for certain purposes;
1399 revising certain duties of state agencies; revising
1400 provisions for consolidation of computing facilities
1401 into primary data centers; revising provisions for
1402 transition plans; requiring resources required to
1403 remain in an agency center or computing facility be
1404 justified in writing and approved by the Legislature;
1405 revising agency limitations with respect to changing
1406 or adding computer services; revising procedures for
1407 exceptions to the limitations; removing a provision
1408 relating to rulemaking; amending s. 282.203, F.S.,
1409 relating to primary data centers; revising duties of
1410 the centers; revising provisions for data center
1411 services provided to agencies; directing each agency
1412 head to include certain projected costs of data center
1413 services in his or her legislative budget request;
1414 providing for access rights for agencies required to
1415 comply with federal and state criminal justice
1416 information security rules and policies; removing
1417 provisions for each primary data center to be headed
1418 by a board of trustees; providing that each center
1419 shall be headed by a director; providing duties of the
1420 director; providing that certain administrative costs

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1421 charged to an agency or other center by a primary data
1422 center require a specific appropriation; amending s.
1423 282.204, F.S.; providing for the Northwood Shared
1424 Resource Center to be headed by a director appointed
1425 by the executive director of the Agency for State
1426 Technology; removing provisions for that center to be
1427 headed by a board of trustees; amending s. 282.205,
1428 F.S.; providing for the Southwood Shared Resource
1429 Center to be headed by a director appointed by the
1430 executive director of the Agency for State Technology;
1431 removing provisions for that center to be headed by a
1432 board of trustees; repealing s. 282.33, F.S., relating
1433 to standards for data center energy efficiency;
1434 repealing s. 282.34, F.S., relating to a statewide e-
1435 mail service; amending ss. 17.0315, 110.205, 215.322,
1436 282.318, 287.057, 445.011, 445.045, and 668.50, F.S.,
1437 relating to a task force established to develop a
1438 strategic business plan, career service exemptions,
1439 acceptance of electronic payments, enterprise security
1440 of data and information technology, procurement of
1441 commodities or contractual services, workforce
1442 information systems, information technology industry
1443 promotion and workforce recruitment, and acceptance
1444 and distribution of electronic records by governmental
1445 agencies; conforming provisions to changes made by the
1446 act; providing an appropriation; providing effective
1447 dates.

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